

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 18, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application 2003/0112952 to Brown, *et al.* (hereinafter Brown). Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims and cancelled certain other claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. Applicants respectfully note, however, that neither the amendments nor cancellation of claims are intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 7, and 13 to further emphasize certain aspects of the invention. Applicants also have amended dependent Claims 5, 6, 11, 12, 17, and 18 so as to maintain consistency among the claims. Applicants have cancelled dependent Claims 4, 10, and 16. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

Certain Aspects Of Applicants' Invention

It may be useful, prior to addressing the cited reference, to reiterate certain aspects of the invention. One embodiment of the invention, typified by Claim 1, is a computer-implemented method for permitting a user to remain in contact with one or more other

entities when the user is otherwise unavailable or unable to contact the other entity or entities. (See, e.g., Specification, paragraph [0017], lines 1-3 and 7-9.)

The method can include establishing a contact list comprising the one or more other entities, and establishing at least one service rule used for contacting the other entity or entities. The service rule, according to this embodiment, can comprise a user-customizable rule. The user-customizable rule, more particularly, can specify information that pertains specifically to the other entity and that is to be elicited from the other entity upon contact being established. (See, e.g., Specification, paragraph [0020], lines 1-5; see also paragraph [0019] lines 1-6, "*the user establishes the rules for each contact [which] includes specific instructions once the contact is reached . . .*," and paragraph [0022], lines 7-12, "*Once [another entity] is contacted . . . the service then obtains the information requested by the user.*")

The method further can include establishing at least one contact rule used for contacting the user after the at least one other entity has been contacted. When the user is unavailable to initiate contact, each entity on the contact list can be automatically contacted. Once contacted the user-specified information can be elicited according to the at least one service rule. (See, e.g., Specification, paragraph [0022], lines 7-12, "*Once [another entity] is contacted . . . the service then obtains the information requested by the user.*")

Upon contacting the other entity or entities, information can then be obtained from each. Subsequently, the obtained information can be conveyed to the user if the information satisfies the at least one contact rule.

The Claims Define Over Brown

As already noted, independent Claims 1, 7, and 13 were each rejected as being anticipated by Brown. Brown is directed to a system and method "for establishing a

telephone connection between a subscriber and a desired party." (Brown, paragraph [0009].

Brown is fundamentally different from Applicants' invention in several respects. First, as described in the reference, Brown relies on the calling party to initiate a call request:

"[A] call request is received from a first party (a "caller") wishing to establish a voice connection with another party (a "called party"). The call request may be received via the caller's telephone, VoIP (voice over Internet Protocol), electronic mail, instant message, some other form of electronic communication from a computing or communication device (e.g., a software tool configured for operation with the system, a preprogrammed mobile telephone), etc." (Brown, paragraph [0020], lines 5-13.) (Emphasis supplied.)

Similarly, in a portion cited at page 4 of the Office Action, Brown describes the notifying of a called party, but the notification is in response, again, to a call request initiated by the calling party:

"[T]he system may notify the called party of the new call request. This may comprise a pre-call notification described above. Illustratively, notification of the called party allows the called party to accept or approve the call, request the call be connected immediately, assign it a particular importance or priority among other pending calls, cancel it, specify a desired date or time to complete the call, initiate a message to the caller suggesting a

particular time to talk, invite another party to join the call, transfer it to another party, etc." (Brown, paragraph [0071], lines 1-10.)

The call request of which the calling party is notified, is only initiated in response to a subscriber initiating the call:

In state 202 of FIG. 2, a call request is received from a subscriber. The request may comprise a short communication from the caller, to include her identifier (e.g., telephone number, account number) and an identifier of the called party (e.g., telephone number, instant message user name, electronic mail address). The request may be received in the form of a telephone call, a computer-generated message (e.g., electronic mail, instant message) or some other form. (See Brown, paragraph [0066], lines 1-9.) (Emphasis supplied.)

By contrast, Applicants' invention permits an entity to be contacted and information to be elicited from the entity even though a party desiring to make contact with another is unavailable to initiate contact, as explicitly recited in Claims 1, 7, and 13.

More fundamentally, Brown fails to teach the establishing of service rules for contacting and eliciting information from another entity when a user is unavailable to initiate contact. Specifically, Brown fails to provide any mechanism to establish a service rule comprising a user-customizable rule that specifies information which pertains specifically to the other entity and that is to be elicited from the other entity, as also recited in Claims 1, 7, and 13.

Brown provides "special call completion rules," which pertain only to establishing a call, not to eliciting information from a called party:

"[T]he system (or a system tool operating on a subscriber device) may maintain a list of parties for which a subscriber has configured special call completion rules. The subscriber may modify such a list as he or she desires. By way of illustration, such a list may specify that certain preapproved (or unapproved) parties may (or may not) be connected immediately when they place a request for a connection with the subscriber. In general, a subscriber may establish rules or guidelines for completing (or not completing) a call request, based on virtually any criteria (e.g., caller identity, time, subject of call)." (Brown, paragraph [0026], lines 1-12.) (Emphasis supplied.)

Brown's "completion rules" pertain to a call set up only. Accordingly, Brown's rules do not have anything to do with specifying the information pertaining specifically to an entity or party that is to be elicited once contact is established. Rules directed to the manner in which a call is to be established have nothing to do with information about the party with whom the call is to be established. Brown's call completion rules provide no mechanism for specifying information about the called party that is to be automatically elicited from the called party once the call is established. Thus Brown's call completion rules are in no way comparable to the service rules established according to Applicants' invention.

In another portion cited at page 3 of the Office Action, Brown describes rules that a *called* party can establish:

"[A] called party 104 may specifically configure rules regarding her availability. Such rules may be included in the party's system preferences.

Thus, she may specify that she will be available at her office telephone every weekday for a specified period of time. In this case her availability may be assumed during the specified time unless she overrides this default specification or there is some other indication to the contrary (e.g., she is connected to another call through system 100). (Brown, paragraph [0054], lines 1-5.)

These rules, however, are established by the called party, which is not comparable to the user of Applicants' invention; Applicants' user is the party seeking to establish contact with another entity, not the party being contacted. More fundamentally, these rules are, again, rules that pertain only to establishing a call and having nothing to do with eliciting information pertaining the called party herself.

The only information elicited from a called party by Brown pertains, not to the called party, but the call that the calling party is attempting to set up:

"State 206 may be employed in an embodiment of the invention in which the system does not schedule or attempt to schedule a requested call until the request is approved or accepted by the called party (or parties). In this embodiment, a called party is notified of a call request and the system will await his or her approval before scheduling a connection. As just described, when a call request is approved the called party may specify a preference, or override a default preference, that affects how the system would handle the request.

"One of a subscriber's preferences or account settings may be to automatically approve call requests meeting certain criteria--e.g., from specific callers, having certain priority, etc. Thus, in conjunction with

approving or accepting a call request, a subscriber may alter a parameter of the request (e.g., duration, desired time at which the call should be established, topic). Similarly, a user may choose to automatically handle certain types of calls in a specified manner--perhaps by rejecting call requests meeting specified criteria, postponing or forwarding certain requests, etc." (Brown, paragraphs [0072]-[0073].

The quoted language describes establishing priorities and parameters for establishing a call with Brown. Nowhere in Brown, however, is there any teaching regarding establishing a service rule that comprises a user-customizable rule specifying information that pertains specifically to the other entity and that is to be elicited from the other entity, as recited in Claims 1, 7, and 13. Without such a capability to establish user-customizable rules for eliciting information, Brown is incapable of, when a user is unavailable to initiate contact, automatically contacting each entity on the contact list and eliciting the specified information according to the at least one service rule, as further recited in Claims 1, 7, and 13. Brown, therefore, is unable to convey such information when the information satisfies a specified contact rule, as also recited in Claims 1, 7, and 13.

Accordingly, Brown fails to expressly or inherently teach every feature recited in Claims 1, 7, and 13. Applicants respectfully submit, therefore, that Claims 1, 7, and 13 define over the prior art. Applicants further respectfully submit that whereas each of the remaining claims depends from Claim 1, 7, or 13 while reciting additional features, these dependent claims likewise define over the prior art.


CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000